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Approved For Release 2003/02/27 : CIA-RDP80B01676R001600250009-1

This document may
contain legal issues

DDI-4737-66

Executive Registry

106-4762/3

18 November 1966

MEMORANDUM FOR: Executive Director-Comptroller

ATTENTION :

:

SUBJECT :

:

Comments on the Draft Policy Guide
Governing Public Appearances and
Open Publication by CIA Employees

1. The draft policy guide is a vast improvement over present guidance on the subject. This is the consensus of the comments I have received from those in this Directorate who have reviewed it. However, I and others feel that the material on page 2, especially paragraph c, is too severely restrictive if read literally. Despite this, I would reluctantly concur with the guide as drafted if modification of the language were impossible or would delay its issuance too long. I believe that the language in paragraph c (page 2) can and should be changed and that this can be accomplished very quickly.

2. Specifically, the phrases, "if there is a chance of..." and "if there is any likelihood of..." would mean, if taken literally, that virtually all public speaking and open publication by our employees would be prohibited. Those phrases can be interpreted as prohibitive even if the "chance" is one in a hundred or if the "likelihood" is one in a thousand. What must be introduced into this paragraph is the concept of reasonableness. Therefore, I offer the following alternative wording for the paragraph:

OGC Has Reviewed

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c. It is CIA policy to permit activities by employees such as public speaking and writing for open publication if there is reasonable assurance (1) that the cover of the individual will not be impaired; (2) that classified information, methods, or sources will not be disclosed to unauthorized individuals or groups; and (3) that publicity, reflecting adversely upon the Agency, will not result.



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EDWARD W. PROCTOR

Assistant Deputy Director for Intelligence

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DD/S 66-6041

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66 47622

16 NOV 1966

MEMORANDUM FOR:

[Redacted]

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Office of the Executive Director-Comptroller

SUBJECT

: Policy Guide - Public Appearances and Open Publication
by CIA Employees

I have only one small suggestion for change to what I consider an excellent statement of policy and guidance. This change is on page 2, paragraph b. where we would change "It is CIA policy ... to encourage employees to hold memberships ..." to "It is CIA policy ... to permit employees to hold memberships ..." Otherwise, I believe this is written in a manner which will be useful to employees and supervisors faced with the problem of engaging in these kinds of outside activities.

[Redacted]

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Alan M. Warfield
Acting Deputy Director
for Support

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66-476211

4 NOV 68

MEMORANDUM FOR : Executive Director-Comptroller
ATTENTION :
SUBJECT : Draft "Policy Guide Governing Public
Appearances and Open Publication
by CIA Employees"

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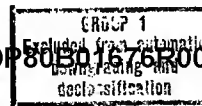
1. This memorandum is for information only.
2. The subject paper has been reviewed and is acceptable to
the Office of Security.

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Deputy Director of Security
for Personnel Security

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Executive Registry

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DRAFT

Policy Guide Governing
Public Appearances and Open Publication
by CIA Employees

General

This policy guide is intended to assist employees, their supervisors and concerned staffs in reaching decisions on employee requests to speak publicly and to write for open publication in furtherance of private or non-governmental interests.

Within essential limitations imposed by security and propriety, there is ample latitude to permit employees to engage in private, non-governmental activities, to appear in public, to write for publication, to present and publish papers in their professional and academic fields of specialization.

Given the wide range of Agency activities and the diversity of cover situations among employees, as well as the equally diverse areas of professional and private interests of our employees, it is virtually impossible to present a simple, all-encompassing rule to govern participation in these pursuits. It is possible, however, to set down certain basic principles and criteria against which each case may be evaluated with respect to the employee, the subject matter, and the procedural details. These principles and criteria apply equally to all persons with whom CIA has an employer-employee relationship, to staff employees and staff agents, assignees from other agencies, contract employees and contract agents.

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Policy

a. It is CIA policy to allow public speaking and writing when security and propriety permit and when such activity is normal to the individual's status as a citizen.

b. It is CIA policy to foster close relations with the professional world outside the government and, subject to security and propriety, to encourage employees to hold memberships in and attend meetings of academic, scientific and professional associations, to participate actively in discussions and in the presentation of papers before such groups.

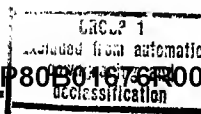
c. It is CIA policy to prohibit activities by employees such as public speaking and writing for open publication if the cover of the individual is likely to be impaired; if there is a chance of classified information, methods or sources being disclosed to unauthorized individuals or groups; if there is any likelihood of publicity which might reflect adversely upon the Agency.

d. It is CIA policy to permit, when desired, the identification of an employee with CIA in the making of a public speech or in writing for open publication when such identification is in the interests of the Agency and is not in conflict with security considerations.

The Agency Employee

a. The overt employee, with no history of cover, and no foreseeable likelihood of cover in the future, is free to speak or write, provided the speech or article is prepared on his own time and does not

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interfere with his normal duties, and provided other provisions of this guide are satisfied. Within this context, the employee is free to identify himself as an Agency employee. If the medium in which he appears does not normally require such identification, the normal procedure of the medium should be followed.

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Subject Matter

Policy:

- a. Speeches or publications on intelligence or intelligence programs, functions or operations of this or any other intelligence agency are prohibited.

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b. Speeches or publications dealing with sensitive foreign policy issues (including military) must be avoided, especially in instances where the subject matter might be construed as a CIA position or opinion. Utterances dealing with foreign governments or with controversial subjects which might embarrass the U. S. Government must also be avoided.

c. Speeches or publications on matters clearly unrelated to Agency activities -- music, science fiction, horticulture, ceramics for example -- will also be guided by the general principles of this paper.

Security:

The material must be unclassified and drawn from unclassified sources available to other researchers not affiliated with CIA, must not in any way disclose sources or methods unique to intelligence nor relate to responsibilities the author has or may have had which would reveal the classified organization and operation of the Agency.

Propriety:

The subject matter of speeches or publications, and the media used for utterance, must be appropriate, in good taste, and not likely to reflect adversely on the Agency.

Responsibilities

a. The primary responsibility for adhering to the policy and principles set forth lies with the employee, who knows his cover status

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and its adequacy, the source and possible impact of his material and the propriety of its utterance.

b. Following the supervisory chain of command, the Office Head or Operating Official responsible for the employee shall share the responsibility for compliance with the policy and principles set forth in this guide, will provide advice and guidance to the employee, and will recommend, as appropriate, approval or disapproval of the activity for which the employee has requested approval.

c. The Office of Security will next review the request, as currently required by regulations, and make its recommendations.

d. The Assistant to the Director of Central Intelligence is the final approving authority in routine cases.

e. In the event there is a conflict or lack of agreement between the Operating Office, the Office of Security or the Assistant to the DCI, the case will be referred to a panel, consisting of a representative of each Directorate and chaired by the Executive Director. Those cases not resolved by the panel will be referred to the DDCI.

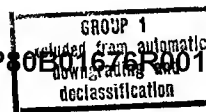
Exceptions

Requests for exceptions to these statements of policy will be considered but must be supported by appropriate documentation.

Procedures

a. Requests to engage in the stated private, non-governmental activities will be prepared in memorandum form (replacing the Outside Activity Approval Request form for this purpose). Memoranda will set

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forth the pertinent data (identification of the meeting and the nature of the employee's participation, or the publisher or medium as applicable) together with explanation and description which will brief approving officers on the background and context of the activity.

b. Requests will be forwarded, with copies of the speech, paper or manuscript concerned (if ready, otherwise to follow when ready) to the Operating Official concerned -- or to his designee -- who will endorse the request appropriately and forward the request and material to the Office of Security.

c. Under these procedures, the employee and his Operating Office will provide a fuller account in writing of the nature and circumstances of the activity for which approval is sought and, thus, give the Office of Security and the Assistant to the DCI more particulars and counsel than heretofore. These procedures will permit, when required, preliminary approval to engage in an activity -- prior to the preparation and submission of a pertinent manuscript. Of necessity, final approval will be contingent upon further concurrences and the review of the manuscript.

Appropriate revisions of regulations will be made in due course.

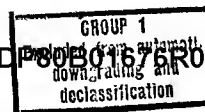
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MEMORANDUM FOR: O/Executive Director

The attached draft Policy Guide meets
our needs to a T.

Thanks.

Joseph C. Goodwin
Assistant to the Director

15 November 1966
(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED.

(47)

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13 December 1966

Fred:

1. Attached is revised Draft Policy Guide, in triplicate, with changes made as suggested by DD/I, DD/S and DD/S&T, except for two items recommended by DD/S&T:

a. Addition of a sub-section on "Remuneration/Stipends" (Page 4 of previous Draft). I do not believe the paper should concern itself with this subject.

b. Omission of "Exceptions" (Page 5, previous Draft) and addition of a new sub-section "Appeals" on Page 6.

2. I am of the opinion we will be plagued by just as many appeals as we will exceptions -- whether or not we include sub-sections under these headings. Providing for "Exceptions" is much broader in scope, takes us a little further away from the prohibitive or restrictive connotations so objectionable to DDI and DD/S&T heretofore. "Appeals" are somewhat built into the Guide -- although not specifically identified -- hence, I did not add it to the paper.

3. I have carefully read the DDP offering which says most of the same things we have already said in the Draft Guide -- but in a different way and in greater length. The emphasis throughout is toward greater prohibition, with added requirements for review and decision -- the which we can well do without.

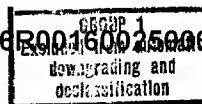
The Draft Guide presently provides for cover to be considered -- by the employee, by his supervisor, by his cover supervisor -- if he is under formal cover -- and by the Office of Security. Subject matter is equally well considered and related to cover situations. Also, when any question exists, Security arranges for, or acts to obtain, appropriate comments from CI Staff, the appropriate DDP area divisions, Central Cover, etc. With all the Draft Guide proposes, coupled with what is done in practice, there seems no advantage to bringing yet another component formally into the recommendation and decision channel.

4. Originals of latest comments are returned herewith.


Larry

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Hold until
Colonel White
receives Admiral
Taylor's comments.

Beep-
I believe you
& FWMJ have the
action on this. Here's
the basic - just for
you.

Most sincerely,
Sally-O

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SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM			
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
		DATE	INITIALS
2	7054		
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	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
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Remarks:			
		O RETURN TO SENDER	
		SS AND PHONE NO.	DATE
		3E54	12/13/66

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UNCLASSIFIED		CONFIDENTIAL	SECRET
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	O/Ex-Dir/ []		
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	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
	CONCURRENCE	INFORMATION	SIGNATURE
Remarks:			
This includes the views of [] as well as others. Ed Proctor			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
ADDI 7E44 []			18 Nov

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UNCLASSIFIED			
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
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	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
	CONCURRENCE	INFORMATION	SIGNATURE
Remarks: I have no legal difficulties with this paper, and John Warner has looked at it from the congressional reaction point of view and thinks it is all right. The last sentence of subparagraph c. on page 3 has a certain air of uncertainty, which I suppose is inevitable, and I assume what it means is that people in this category will seek guidance in accordance with the procedures set forth in the paper. [REDACTED] LRHouston			
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FROM: NAME, ADDRESS AND PHONE NO.			DATE
General Counsel			11/15/66

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UNCLASSIFIED			
CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	DATE	INITIALS
1	General Counsel Mr. Lawrence R. Houston		
2	7 D 01, Hdqtrs.		
3			
4			
5			
6			
	ACTION	DIRECT REPLY	PREPARE REPLY
	APPROVAL	DISPATCH	RECOMMENDATION
	COMMENT	FILE	RETURN
	CONCURRENCE	INFORMATION	SIGNATURE
Remarks: <p>The draft Policy Guide governing public appearances and open publications by CIA employees has been redrawn following suggestions submitted by participants at Colonel White's meeting of 4 August.</p> <p>Attached is the revised Guide which it is intended will be published as a Headquarters Notice. As before, copies have been sent to all participants.</p> <p>Your comments on this revision are requested by close of business on 18 November.</p>			
FOLD HERE TO RETURN TO SENDER			
FROM: NAME, ADDRESS AND PHONE NO.			DATE
O/Executive Director			14 Nov 66

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

2.

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that an indication that exceptions are expected should be made in this document. In lieu thereof perhaps a sub-section on appeal procedure by the individual concerned and perhaps not relating to a lack of agreement referred to in paragraph e above should be included.

d. On page 6 it is suggested the word designee be changed to deputy, again in order to bring the handling of problems more directly into the chain of command.



EO/DD/S&T

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM

EXTENSION

NO.

Chief, Employee Activity Branch, OS
3 E 54, Hdqtrs.

4 November 1966

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. O/Executive Director

7 D 59, Hdqtrs.

1 Nov

4 Nov

J

Attached is original of the revised draft Policy Guide we discussed yesterday.

Copies have been sent to all participants -- through your secretary and Executive Registry -- except for that addressed to [redacted] of Security, hand-carried by the undersigned. As requested, comments are to be sent you by close of business 15 November 1966.

C/EAB/PSD/OS

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

EXTENSION

NO.

EO/DD/S&T

DATE

18 November 1966

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

O/Executive Director

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Subject: Draft Policy Guide Governing Public Appearances and Open Publication by CIA Employees

The proposed policy guide has been reviewed by this Directorate and we generally concur in its publication as written. However, we do have several suggestions:

a. On page 3 under the section Subject Matter the word Policy should probably be changed to the word Content.

b. On page 4 we have added the title of a sub-section to be designated Remuneration/Stipends. Although we don't know what the policy on individuals getting paid for speeches and publications should be, we do feel that some reference to this should be made in this document.

c. On page 5 several word changes have been suggested in an effort to bring the review process more directly into the chain of command. Also on page 5 we suggest that the reference to requests for exceptions to this policy be deleted. Individuals not satisfied with the policy as far as a specific case may be concerned may request exception anyhow and we don't feel